

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

NUCLEAR DEVELOPMENT, LLC,	§	
	§	
Plaintiff,	§	
	§	CIVIL ACTION CASE NUMBER:
vs.	§	
	§	5:18-cv-01983-LCB
TENNESSEE VALLEY AUTHORITY,	§	
	§	
Defendant.	§	

NOTICE OF APPEAL

Plaintiff Nuclear Development, LLC (“ND”), pursuant to Federal Rule of Appellate Procedure 4, hereby gives notice that it appeals to the United States Court of Appeals for the Eleventh Circuit from the following Judgement and District Court Orders and all Orders and rulings merged into the Final (Doc. 247), Amended (Doc. 269), and Second Amended Judgment (Doc. 274) entered in this matter pursuant to Federal Rule of Appellate Procedure 3(c)(4), including, but not limited to:

1. The Court’s Orders denying ND’s Motion for Summary Judgment (Docs. 161 and 165), entered on March 31, 2021 and April 1, 2021;
2. The Court’s Orders excluding evidence from trial (Docs. 175 and 179)¹ entered on April 12, 2021;
3. The portion of the Court’s Order striking ND’s requests for alternative

¹ See also Trial Transcript.

equitable relief (Doc. 207), entered on April 23, 2021;

4. The Court's exclusion of evidence at trial, including the evidence proffered by ND at trial (*See* Docs. 221-222, 231-235, 237-239);
5. The Court's Finding of Facts and Conclusions of Law (Doc. 246), including its denial of ND's Motion for Partial Findings², and Final Judgment (Doc. 247), entered on August 26, 2021;
6. The Court's Orders denying ND's Motions for a new trial and/or to alter and amend the judgment and granting TVA's motion to alter or amend the judgment and vacate the parties' stipulation (Docs. 268) and the Amended Judgment (Doc. 269), entered on July 18, 2022; and
7. The Court's Second Amended Final Judgment (Doc. 274) entered on August 18, 2022.

Respectfully submitted on this 16th day of September 2022.

/s/ Caine O'Rear III

CAINE O'REAR III (OREAC6985)

J. CRAIG CAMPBELL (CAMPJ7981)

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² *See also* (Doc. 268 at 14 n.1).

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I do hereby certify that, on September 16, 2022, I filed the foregoing pleading with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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/s/ Caine O'Rear III